



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.3442, a bill that creates the **DEPARTMENT OF WORKFORCE** as a cabinet level agency to perform workforce development functions and replace the Employment Security Commission in the administration of unemployment benefits. The legislation creates the South Carolina Department of Workforce and provides for it to be managed and operated by a director nominated by a newly-created Department of Workforce Review Committee and appointed by the Governor. The executive director may be removed from office by the Governor for cause or in the event of his incapacity to serve. The legislation exempts the director as well as the two tiers of subservient employees from state employee grievance procedures.

A nine-member Department of Workforce Review Committee is created to screen and nominate candidates for the position of department director and perform oversight duties relating to Department of Workforce activities. The committee is composed of three of three members of the House of Representatives appointed by the Speaker; three members of the Senate appointed by the President pro Tempore; and, three members of the general public appointed by the Governor, one of whom must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. The committee is charged with screening candidates for the position of director to ensure that they meet the legislation's criteria for educational attainment and expertise and nominating a candidate for the Governor to appoint to a six-year term. The committee sets the salary for the director. The committee is also charged with oversight duties which include conducting annual performance reviews of the director and the Department of Workforce.

The legislation creates a Department of Workforce Appellate Panel with the sole purpose of hearing and deciding appeals from decisions of the Department of Workforce's divisions. The panel must consist of the three sitting members of the South Carolina Employment Security Commission who may serve until December 31, 2010, at which time the Workforce Department Appellate Panel shall dissolve. Upon the dissolution of the appellate panel, appeals are transferred to the Administrative Law Court for adjudication.

The legislation transfers to the Department of Workforce the Workforce Investment Act program that has been assigned to the Department of Commerce through executive order.

H.3442 also provides for certain administrative changes to begin to remedy the insolvency of the Unemployment Insurance Trust Fund. The legislation provides that an

insured worker is ineligible for unemployment compensation benefits if the department finds he has been discharged from work for major or gross misconduct.

Major misconduct includes such activities as: possession or consumption of illegal drugs on employer property; blood alcohol content of .08 percent or higher while on the job; assault or battery; abuse of a patient or child under professional care; willful or reckless damage to employer property in excess of two hundred dollars; theft causing loss in excess of two hundred dollars; insubordination; and, sleeping on the job. Gross misconduct includes such activities as: neglect of duty; poor attitude; poor work quality; and, absenteeism or tardiness. The legislation establishes new limitations on receiving unemployment benefits during a period when an individual is receiving severance pay. The legislation provides new requirements for an individual who has completed a temporary work assignment to contact his temporary employment agency regarding possible reassignment before he can be eligible to receive unemployment benefits. The legislation discontinues benefits for employers who are in arrears in their contributions to the Unemployment Compensation Fund by prohibiting the Department of Workforce from accepting or processing new claims by an employer whose contributions paid for all past periods is less than the total benefits charged to the employer's account for all past periods.

The House amended, approved, and sent to the Senate **H.3066**. This bill provides that **ELECTRONIC FILING OF CAMPAIGN DISCLOSURE AND REPORTS** provisions are applicable to all persons subject to the state's Ethics and lobbying laws, including candidates for local government offices, lobbyists, and lobbyist principals. This bill requires that certified campaign reports must be supplemented with any contribution received within forty eight hours of receipt of the contribution. Political action committees must also file reports listing expenditures within forty-eight hours.

The House concurred in Senate amendments to **H.3488** and enrolled the joint resolution for ratification. The legislation establishes a **COMMITTEE TO STUDY CERTAIN ISSUES AFFECTING VETERANS** comprised of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House. The committee is charged with studying: (A) the advisability and feasibility of constructing an additional state veterans' nursing home in South Carolina; (B) veterans' access to existing nursing facilities and adult daycare facilities and the availability of these facilities to veterans who may be in need of them; (C) the ways in which the State should proceed to generate maximum use of state tax revenue for the benefit of veterans; (D) the projected veteran population in South Carolina during the next twenty years; and (E) possible improvement projects to existing state nursing facilities for veterans. The committee must present its written report of findings and recommendations to the General Assembly and the Governor by September 1, 2010, after which time the committee shall be dissolved.

The House concurred in Senate amendments to **H.4310**, a bill to **ACCELERATE PROPERTY TAX RELIEF UNDER THE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT** which the General Assembly approved last year, and order the bill enrolled for ratification. The bill revises local option tourism development fee provisions to allow amounts up to twenty percent of the revenue to be used for property tax relief for owner-occupied residential property and for tourism-related capital projects beginning in the second rather than the third year of imposition of the fee. The legislation requires the amounts used for these purposes to be retained by the municipality with at least

twenty percent of the amount returned used as a credit against the property tax liability of owner-occupied residential property. The legislation specifies how the credit is to be calculated. The legislation provides for the use of credits when the municipal property tax liability has been exceeded. The legislation includes reporting requirements identifying revenues received from the Local Option Tourism Development Fee and expenditures made from those funds.

The House amended, approved, and sent to the Senate **H.4198**, the “**UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT**”. The bill establishes provisions prohibiting an insurer from denying, restricting, refusing to renew, or canceling coverage or adding a premium differential based upon whether an applicant or insured has been the subject of abuse. The legislation establishes penalties for violations, including fines up to two hundred thousand dollars for patterns of unfair discrimination.

The House amended, approved, and sent to the Senate **H.3735**, the “**ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2010**”. This bill requires a hospital to offer in writing to the patient’s family the right of having an autopsy performed if a patient dies in a hospital. This bill also requires a coroner or medical examiner to be notified if a person dies in a health care facility within 24 hours of entering a health care facility or within 24 hours after having undergone an invasive surgical procedure at the health care facility. The notification must inform the person that if there is a charge for the autopsy the cost is to be paid by a private source. In addition, if an autopsy is ordered by a coroner or medical examiner upon review of a death, the autopsy must not be performed at the health care facility where the death occurred or by a physician who treated the patient or is employed by the health care facility in which the death occurred.

The House amended, approved, and sent to the Senate **H.3585**, a bill that provides that it is **UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT**, to install a false or secret compartment in a vehicle, and to sell or trade a vehicle with a false or secret compartment. 'False or secret compartment' means an enclosure which is integrated into, or attached to, a vehicle and whose purpose is to conceal, hide, or prevent discovery by law enforcement officers of: (a) a person concealed for an unlawful purpose; (b) illegal controlled substances; or (c) other contraband. The bill establishes criminal penalties for violations.

The House approved and sent to the Senate **H.4244**, a bill adding a trustee (seat number seventeen, four year term) to the **COLLEGE OF CHARLESTON BOARD** with that member to be appointed by the Alumni Association Board of Directors.

The House adopted the free conference committee report on **H.4087**, creating the **GREENVILLE TECHNICAL COLLEGE AREA COMMISSION**, and enrolled the bill for ratification.

The House approved and sent to the Senate **H.4250**, which creates the **TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY**.

The House approved **S.188**, relating to **AGE RESTRICTIONS ON TATTOOS**, and enrolled the bill for ratification. The legislation provides that persons eighteen or older are authorized to receive a tattoo.

The House approved and sent to the Senate **H.3429**, regarding **RETAIL SALES BY TATTOO FACILITIES**. This bill allows a tattoo facility to include the retail sale of merchandise with images and language promoting the art and culture of tattooing.

The House amended, approved, and sent to the Senate **H.4281** which changes the **DEFINITION OF MOPED**: a self-propelled cycle with a motor of not more than fifty cubic centimeters which produces no more than two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground with or without pedals to permit propulsion by human power.

The House recommitted **S.636**, the “**LIFE SETTLEMENTS ACT**”, to the Labor, Commerce and Industry Committee.

The House recommitted **H.4207**, relating to **QUALIFICATIONS FOR REGISTERING TO VOTE FOR SOMEONE WHO HAS NEVER LIVED IN THE UNITED STATES** but has a parent who is a qualified elector, to the Judiciary Committee.

The House rejected **H.3797**, a bill providing that the governing body of a **SPECIAL PURPOSE DISTRICT** must be appointed by the governing body of the county if created by act of the General Assembly, provides only recreational services and has as its boundary the entirety of the unincorporated areas of the county.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met February 16th.

The committee gave a report of favorable with amendment on **H.4282 UNLAWFUL FOR A PERSON TO USE A HANDHELD WIRELESS COMMUNICATIONS DEVICE WHILE DRIVING A MOTOR VEHICLE**. This bill establishes new fines and penalties for driving motor vehicles and school buses while using a text messaging device or mobile telephone. The bill prohibits using a text messaging device or telephone while operating a car (in motion or on the roadway, with exemptions for reporting emergencies) but allows for hands free devices in the use of cell phones. A fine of no more than \$100 plus, the assessment of two points against their driving license, apply to motor vehicle drivers who violate the law and fines are to be equally divided between the South Carolina State Trauma Care Fund (STCF) within the Department of Health and Environmental Control (DHEC) and the Office of Highway Safety in the Department of Public Safety (DPS). School bus drivers are prohibited from using a text messaging device, radio, or telephone and are not allowed to use a device regardless of whether it

is hands-free or otherwise. A tier of fines is set for school bus drivers, ranging from a mandatory fine of \$250 for first offense and the assessment of two license points against their driving record and suspension of their school bus certification for one year, misdemeanor conviction with no great bodily injury or death; to a mandatory fine of \$500 for a second or subsequent conviction, or any offense resulting in great bodily injury or death, is guilty of a felony, punishable by up to three years imprisonment and permanent ineligibility for future school bus certification, plus an assessment of six license points against their driving record. The bill would take effect ninety days after approval by the Governor.

JUDICIARY

The Judiciary Committee met February 16th.

The committee gave a report of favorable with amendment on **H. 3779 LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT PROCEEDINGS**, which provides that children must be appointed a guardian ad litem by the family court. The bill further provides that the family court may appoint legal counsel for the child. Counsel for the child may not be the same as counsel for: (a) the parent, legal guardian, or other person subject to the proceeding; (b) any governmental or social agency involved in the proceeding; or (c) the child's guardian ad litem.

The committee gave a favorable report to **S. 21** which creates the **UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT** which outlines a procedure for litigants to depose out-of-state individuals and for the production of discoverable materials that may be located out-of-state. Elements of the bill relate to compliance with rules of court or statutes regarding service of subpoenas and complying with SC Rules of Civil Procedure.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full House Ways and Means Committee met during the week and reported out several bills.

The committee gave a majority favorable with amendment, minority unfavorable, report on **H.4478** the "**SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010**". The legislation implements numerous private sector recommendations for fostering an economic development climate in the state to attract global business and industry investment. The legislation provides for the gradual

elimination of the corporate income tax, such that, beginning with the year 2011, the corporate income tax rate of five percent annually is to be reduced by one-half percent per year until the rate reaches zero for the year 2020 and thereafter. The legislation provides that a corporation establishing a national corporate headquarters in this State or expanding or adding to an existing national corporate headquarters, which adds at least fifty new full-time jobs performing corporate headquarters related functions and services is exempt from paying state corporate income taxes for a period of ten years. The legislation revises provisions for the Centers of Excellence Matching Endowment that is funded from the South Carolina Education Lottery Account by authorizing the Coordinating Council for Economic Development to award one-third of the endowment. For these awards, the matching requirements do not apply when the Secretary of Commerce certifies to the review board that the endowed professor will directly support a business or industry in South Carolina which will invest within a one-year period at least one hundred million dollars in capital investment at a single site. The legislation establishes the South Carolina Volume Cap Allocation Act to allow the state to make maximum use of two new types of recovery zone bonds added by provisions of the federal American Recovery and Reinvestment Act of 2009 (ARRA). The legislation expands incentives for life sciences facilities so that they also apply to renewable energy manufacturing facilities involved in the production of solar energy technology, wind turbines, or advanced lithium and ion, or other batteries for alternative energy motor vehicles. The legislation enacts the 'South Carolina Renewable Energy Tax Incentive Program' to provide tax incentives to companies in the solar, wind, geothermal, and other renewable energy industries that are expanding or locating in South Carolina. The current tax credit for the installation of solar energy technology on residential structures is expanded to include the installation of solar energy technology on commercial buildings. The legislation revises provisions for industrial development projects under fee in lieu of property taxes agreements, so as to accommodate investment in a qualified nuclear plant facility. The legislation revises provisions for fees in lieu of taxes, so as to increase the number of years a fee is available and eliminate the requirement that the fair market value of the property established for the first year of the fee remains the fair market value of the real property for the life of the fee. The South Carolina State Ports Authority board is authorized to award annually up to one million dollars of the eight million dollars of job tax credits to a new warehouse or distribution facility which commits to expending at least forty million dollars at a single site and creating one hundred new full-time jobs. The legislation revises job tax credits, investment tax credits, revitalization agreements, and numerous other economic development incentive tools.

The committee gave a favorable report on **H.4200**. This bill revises the definition for an "extraordinary retail establishment" under the Tourism Infrastructure Admissions Tax Act by including within that definition "an **EXTRAORDINARY TOURISM ESTABLISHMENT**." The legislation revises the requirements to qualify as "an extraordinary retail or tourism establishment" and for the designation of such establishments by the Department of Parks, Recreation and Tourism, so as to eliminate the limit on such designations, add additional infrastructure improvement costs which may be included with respect to the construction of such facilities, and revise the requirements relating to the conditional certification of the qualification on these facilities.

The committee gave a report of favorable with amendment on **H.4343**. This bill establishes the **SOUTH CAROLINA AIR SERVICE INCENTIVE AND DEVELOPMENT FUND** under the South Carolina Aeronautics Commission to provide grants to regional economic development entities or air service development task forces to provide more

flight options, more competition for air travel and more affordable air fares for the citizens of the region and this state. The legislation establishes the selection criteria and selection process for these grants to be made from funds provided to or appropriated for the fund by the General Assembly.

The committee gave a favorable report on **H.4514**, a bill relating to “S” **CORPORATIONS UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT**. This bill revises the definition of “termination date” under the Fee In Lieu Of Tax Simplification Act and revises provisions relating to treatment of “S” corporations for tax purposes, so as to provide that a specified amount of income taxes paid by resident and nonresident shareholders of certain “S” corporations must be deposited into a special fund and distributed by the Coordinating Council for Economic Development as grants for public infrastructure improvements, which directly support the projects. The legislation establishes guidelines to administer the fund and applications for the grants.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.914 BLACK BASS Sen. Land

This bill outlines that it is unlawful to possess any black bass (largemouth) less than fourteen inches in total length in Lakes Marion or Moultrie or the upper Santee River, with a catch limit of five per day. In addition, it is unlawful to land black bass without the head and tail fin intact.

S.975 BIRD DOGS Sen. Campsen

This bill defines “training birds” as pen raised quail, chukar, pheasant, Hungarian partridge, or any other upland game birds approved by the Department of Natural Resources. In addition, the bill provides for the use of training birds during the closed season.

S. 1043 FLOUNDER POPULATION STUDY PROGRAM Sen. Cleary

This bill establishes the Flounder Population Study Program which will be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination produced by motor fuel powered generators on flounder located in the waters of Pawleys Inlet. The bill provides that “gigging” means using a prong, spear or similar device, including a bow and arrow to spear a fish. The bill outlines the operation of the program and states that the program shall run for five years, beginning January 1, 2010 and ending June 30, 2014.

H.4543 HARVESTING TIMBER Rep. Duncan

This bill requires the Department of Natural Resources to coordinate the cutting and sale of timber with the South Carolina Forestry Commission rather than submitting the matter for approval from the State Forester. The land owned by the Department that was previously used for agriculture or managed forest land must be managed to provide optimum fish and wildlife habitat and timber production. In addition, the bill states that contracts may be negotiated if an emergency or a natural disaster occurs that necessitates the immediate harvest of timber.

H.4562 PUBLIC WEIGHMASTERS Rep. Vick

The bill revises the registration fee to be twenty-five dollars to the Department of Agriculture for each business location in which he or designated employees act as a public weighmaster. It deletes the additional fee for deputy public weighmasters. Beginning on July 1, 2011, all registrations for public weighmasters are valid for one year and must be renewed annually. The bill deletes the refusal or revocation of a deputy public weighmaster license by the Commissioner of Agriculture. The bill also repeals the sections dealing with the employment or designation of deputy weighmasters and the renewal of registration.

H.4563 ISSUANCE OF PERMITS FOR THE MANUFACTURE, PROCESSING, OR PACKAGING OF FOODS Rep. Vick

This bill requires the Department of Agriculture to promulgate regulations relating to good manufacturing practice. The regulations should prescribe conditions for the issuance of permits for the manufacture, processing or packaging of foods with certain conditions. It outlines an officer or employee of the commissioner to have access to a factory owned by a permit holder to determine compliance with the permit conditions. The bill also outlines that a person engaged in manufacturing, processing or packaging foods to first obtain a permit from the Department. The bill provides for penalties for failure to obtain a permit.

H.4569 BLACK BASS Rep. Harvin

This bill states that it is unlawful to take or possess more than five Black Bass a day or to take a Black Bass less than fourteen inches in length.

**H.4587 AGRICULTURAL PUBLIC SERVICE ACTIVITIES DIVISION
Rep. Umphlett**

This bill establishes that the Department of Agriculture will create the Division of Agriculture Public Services Activities which shall have the exclusive authority to conduct all agricultural public services, including those conducted by institutions of higher education. The Budget and Control Board, in conjunction with the Department of Education, shall transfer to the division all federal funds associated with Agricultural Education. The bill also repeals the section relating to the transferring of certain agricultural funds to Clemson University Public Service Activities.

H.4589 ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAM Rep. Gambrell

This bill exempts cattle stockyard owners and operators and cattle producers from these training and certification requirements.

EDUCATION AND PUBLIC WORKS

H.4564 CREATION OF THE BOARD OF TEACHER CERTIFICATION

Rep. Crawford

This bill creates the Board of Teacher Certification under the administration of the Department of Labor, Licensing and Regulation. It provides for the board's membership, member term limits, meetings, and leadership. The legislation amends statutes relating to teacher certification so as to provide that the Board of Teacher Certification has exclusive authority to regulate the certification of teachers. The bill further provides that all powers, duties, and responsibilities of the State Board of Education with regard to teacher certification must be devolved to the Board of Teacher Certification. All regulations promulgated by the State Board of Education with regard to teacher certification are deemed to have been promulgated by the Board of Teacher Certification.

H.4565 COMPREHENSIVE REVISIONS RELATING TO THE DEPARTMENT OF

TRANSPORTATION Rep. Lucas

This legislation makes comprehensive revisions relating to the Department of Transportation.

H.4571 BEACH MUSIC SPECIAL LICENSE PLATES Rep. Edge

This bill authorizes the Department of Motor Vehicles to issue beach music license plates.

H.4584 PROHIBITION ON HAVING AN IDLING ENGINE WHILE DROPPING OFF OR PICKING UP A STUDENT ON SCHOOL PROPERTY

Rep. Crawford

Under this bill, a public school may develop a policy that requires a person who waits in a motor vehicle with an idling engine to deactivate the engine while dropping off or picking up a student from school property. The bill includes signage requirements. The bill allows sworn officers to issue nonmoving traffic violations to those who fail to comply, and monies collected from the violations must be deposited in the general fund.

H.4600 REMOVAL OF MANDATORY SCHOOL START DATE PROVISIONS

Rep. Erickson

Relating to beginning and length of school term and school make-up days, this bill allows a local school district to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours. The bill deletes the school start date requirement and related provisions.

JUDICIARY

S.783 GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY Sen. McConnell

This bill provides for three additional members of the Board of the Patriots Point Development Authority to be appointed by the Governor. However, one must be appointed upon recommendation of the President Pro Tempore of the Senate, and one must be appointed upon recommendation of the Speaker of the House of

Representatives. The bill further provides that one must be appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term. Under the bill, the chairman of the board shall not vote on matters before the authority except in the event of a tie.

S.897 COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE Sen. McConnell

This joint resolution creates the Commission on Streamlining Government and Reduction of Waste. The stated purpose of this commission is to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities to determine, in an effort to reduce the size of state government, which of these may be:

(1) eliminated; (2) streamlined; (3) consolidated; (4) privatized; or (5) outsourced. Among other things, the commission shall examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and that they are meeting the needs of South Carolina citizens. The bill provides for membership on the commission, authorizes the commission to hold public hearings as part of its evaluation process, and outlines deadlines for reports by the commission to the General Assembly and Governor.

H.4542 DUTIES AND POWERS OF THE STATE ETHICS COMMISSION Rep. Harrison

The bill deletes the current prohibition of the release of information by the State Ethics Commission until final disposition of an ethics investigation. This bill authorizes the release of information regarding an ethics investigation once a finding of probable cause has been made.

H.4544 SALE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE Rep. Brady

Relating to monitoring the sale of products containing ephedrine or pseudoephedrine, this bill also requires monitoring of phenylpropanolamine. The bill makes it illegal to purchase these products under certain circumstances. The bill outlines information which must be gathered from the purchaser at the time of the sale of these products. The bill requires the information to be entered in an electronic log, rather than a written log; a retailer of these products may apply to the Board of Pharmacy for an exemption from the electronic log requirement. Information must be transmitted to a central data collection system that will submit this information to the State Law Enforcement Division which will maintain this information to assist law enforcement in monitoring these sales and purchases.

H.4547 ALTERNATE PENALTY FOR DRIVING IN EXCESS OF THE POSTED SPEED LIMIT Rep. Rutherford

This bill provides an alternate penalty for driving in excess of the posted speed limit but not in excess of ten miles an hour. The bill authorizes a fine of \$150 on a warning ticket that is a no point violation that is not reported to the Department of Motor Vehicles. One-half of this fine must be placed in the State's general fund, and the remaining one-half of this fine must be retained by the local governmental body that issued the warning ticket.

H.4553 LAW ENFORCEMENT JURISDICTION Rep. Harrison

This bill authorizes a law enforcement officer of this State or its political subdivisions who is operating a law enforcement vehicle outside his jurisdiction to stop another vehicle if the vehicle is being operated recklessly or in a manner that poses an immediate danger to the public. The officer may issue a ticket for any traffic offense chargeable on a uniform traffic ticket, or when appropriate, make an arrest when the offense occurs in plain view of the officer.

**H.4554 REPEALING CHAPTER 29, TITLE 23 RELATING TO THE
SUBVERSIVE ACTIVITIES REGISTRATION ACT Rep. Stringer**

This bill repeals Chapter 29, Title 23 relating to the Subversive Activities Registration Act.

H.4572 BEER TASTINGS AT RETAIL LOCATIONS Rep. J. E. Smith

The bill allows holders of retail permits authorizing the sale of beer or wine for off-premises consumption to hold a limited number of beer tastings at the retail location each year under certain circumstances.

H.4574 "FAMILY MEDICAL CRISIS DEBT RELIEF ACT" Rep. Bales

This bill enacts the "Family Medical Crisis Debt Relief Act". Among other things, this bill provides that a contract entered into for goods or services must contain a provision suspending for 180 days the individual's financial obligation under the contract if the individual, or a family member of the individual for whom the individual is a caregiver, has been diagnosed with a life threatening or terminal illness or a life threatening medical emergency. The bill further provides that the individual must obtain a certification from a physician that this medical requirement has been met and a certification from the individual's employer that the person has lost time from work. The bill outlines when these certifications are to be provided to a creditor. Under the bill, the creditor shall suspend the individual's financial obligations under the contract for 180 days and must not charge late fees or charges. The creditor must not repossess or foreclose on property subject to the contract. The creditor must not refer the debt to a collection agency, and the creditor must not make an adverse report to a credit reporting agency.

**H.4586 LIMITED CIVIL LIABILITY FOR CERTAIN PERSONS TRANSPORTING
SENIORS OR PERSONS WITH DISABILITIES Rep. Brady**

Under this bill, a licensed driver operating an insured vehicle to transport seniors or persons with disabilities who renders service voluntarily and without compensation or the expectation or promise of compensation, is not liable in a civil action beyond the limits of his automobile insurance liability coverage, so long as the driver's coverage meets the minimum liability requirements for South Carolina. This exception is for any act or omission resulting from the rendering of the services unless the act or omission was the result of the licensed driver's gross negligence or wilful misconduct.

H.4590 REFUSAL TO LEAVE A PUBLIC LIBRARY Rep. Bannister

Under this bill, a person who, without legal cause or good excuse, enters a public library after having been warned by an employee of the library or his agent or representative not to do so or without having been warned fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by an employee of the library or his agent or representative is guilty of a misdemeanor and, on conviction, must be fined not more than \$200 or be imprisoned not more than 30 days.

The bill also provides that a municipal court or magistrate court may have jurisdiction over a violation, and the provisions of this legislation must be construed as being in addition to, and not as superseding, another statute relating to trespass or entry on lands of another.

H.4591 *EVICTION FROM FEDERALLY SUBSIDIZED PUBLIC HOUSING*

Rep. Gilliard

Under this bill, the execution of a judgment for ejectment from federally subsidized public housing may not occur until at least seven days lapse from the date on which the magistrate issued the order or, if the judgment is stayed, until at least seven days lapse from the date on which the order is lifted. During the seven day period, the tenant may remove his personal property from the premises without interference from the landlord. Relating to removal of an evicted tenant's personal property from the rental premises, the bill further provides that the party removing the personal property from federally subsidized public housing shall retain possession of the personal property for 30 days, during which time the tenant may recover the personal property.

H.4596 *CREATION OF THE BUREAU OF LABOR* Rep. Barfield

This bill creates within the Department of Commerce a Bureau of Labor to be headed by a Secretary of Labor appointed by the Governor upon the advice and consent of the General Assembly. The secretary shall report directly to the Governor. The Bureau of Labor must be responsible for administering all job creation, location and development activities for workers in this State. The Department of Labor, Licensing and Regulation's division of labor is transferred to the new Bureau of Labor. The bill also transfers job creation, location and development responsibilities of the Employment Security Commission and the Department of Commerce to the Bureau of Labor. The bill includes transition provisions in regard to these transfers of responsibility.

LABOR, COMMERCE AND INDUSTRY

H.4546 *SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT*

Rep. Sandifer

This joint resolution establishes the Self-Directed Semi-Independent Agency Pilot Project so as to create certain professional and occupational licensing boards as separate and distinct individual state agencies as of January 1, 2011, and provide for their powers and duties with regard to their fiscal, regulatory, and operational responsibilities. The joint resolution is repealed July 1, 2015, unless extended by the General Assembly.

H.4551 *911 SYSTEM SERVICE REQUIREMENTS* Rep. Sandifer

This bill revises and expands definition of terms associated with the Public Safety Communications Center. The legislation revises 911 system service requirements, so as to eliminate "a capability to have cellular phones routed to 911" as a system requirement and add "routing and capabilities to receive and process CMRS service and VOIP service capable of making 911 calls" as a system requirement. The legislation

provides for the billing of 911 charges for local exchange access facilities that are capable of simultaneously carrying five or more outgoing 911 voice calls. The legislation revises the 911 charge that prepaid wireless telecommunications service is subject to. The legislation revises provisions relating to the CMRS Emergency Telephone Advisory Committee, so as to revise the name of the committee and its membership and provide that the committee and the State Budget and Control Board are authorized to regulate prepaid wireless sellers. The legislation imposes a VOIP 911 charge on each local exchange access facility, and provides for the collection of the charge and its distribution. The legislation imposes a prepaid wireless 911 charge and provides for its collection and distribution. The legislation limits the charges that may be imposed for 911 service. The legislation revises provisions relating to liability for damages that may occur from a governmental agency providing 911 service, so as to provide for liability when 911 service is provided and when it is not provided pursuant to tariffs on file with the Public Service Commission.

H.4552 *MEDICARE SUPPLEMENT POLICY REQUIREMENTS* Rep. Brady

This bill establishes requirements for issuing Medicare supplement policies, including: prohibiting such policies from duplicating benefits provided by Medicare; prohibiting exclusion of or limiting benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition; requiring the Department of Insurance to promulgate regulations establishing specific standards for Medicare supplement policy provisions and minimum standards for benefits, claims payment, marketing practices and to conform such policies to federal requirements; requiring insurers offering Medicare supplement policies to persons sixty-five years of age and older to also offer such policies to persons who are enrolled in Medicare because of disability or end-stage renal disease; providing enrollment time requirements; providing that certain third party payments may not be prohibited; and specifying that premium differences charged persons receiving Medicare under different eligibility criteria must not be excessive, inadequate, or unfairly discriminatory.

H.4560 *"FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA"*

Rep. Gambrell

This bill enacts the "Future Volunteer Firefighters Act of South Carolina" to establish the junior firefighters program.

H.4561 *ENFORCEMENT OF MOTOR VEHICLE EXPRESS WARRANTIES FOR MOTORCYCLES* Rep. Bales

This bill revises provisions that relate to the enforcement of motor vehicle express warranties, so as to provide that these provisions apply to both private passenger motor vehicles and motorcycles.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4559 *"UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT"*

Rep. Barfield

This bill creates the "Utilization of Unused Prescription Drugs Act" under which the Department of Health and Environmental Control, in consultation with the Board of Pharmacy, shall develop a voluntary program whereby health care facilities can donate unused prescription drugs of patients who no longer need them. The bill provides for certain program procedures and requirements. It also creates an advisory council to oversee and advise the Department in establishing this program. In addition, the

Department of Health and Environmental Control shall develop a program to receive and dispose of unused medications from the public and shall develop guidelines for safe and proper disposal of medications which must be available and distributed to the public.

WAYS AND MEANS

S.717 SALES TAX EXEMPTION FOR RESEARCH FACILITY TESTING IMPACT OF NATURAL HAZARDS ON BUILDINGS Sen. Coleman

This bill provides a sales tax exemption for machinery, equipment, building and other raw materials, and electricity used by a facility owned by a tax exempt organization investing at least twenty million dollars over three years in a facility that is used principally for researching and testing the impact of natural hazards such as wind, fire, earthquake, and hail on building materials used in residential, commercial, and agricultural buildings.

S.910 SPECIAL PURPOSE DISTRICT PROVIDING HOSPITAL, NURSING HOME, OR CARE FACILITIES Sen. Land

This bill removes limitations from the authority of a special purpose district to mortgage its property under the revenue bond act for utilities. The legislation provides authority to borrow money to a special purpose district providing hospital, nursing home, or care facilities.

S.1066 TAX CREDIT FOR CONTRIBUTIONS TO THE SOUTH CAROLINA EXISTING MANUFACTURERS' RETENTION AND GROWTH FUND Sen. O'Dell

This bill provides a tax credit equal to one hundred percent of an amount contributed to the South Carolina Existing Manufacturers' Retention and Growth Fund. The legislation establishes the maximum amount of the credit for a single taxpayer and the maximum aggregate amount for each tax year and provides the process and requirements for claiming the credit.

S.1085 RESERVE FUND ENHANCEMENTS AND BUDGET CUTTING PROCEDURES Sen. Leatherman

This bill increases the percentage amount required to be deposited in the general reserve fund from three to five percent of the general fund revenue of the latest completed fiscal year. The legislation provides that the percentage amount may be increased or decreased by a two-thirds vote of each house of the General Assembly. The legislation provides that if in any fiscal year in which the general reserve fund does not maintain the applicable percentage amount, monies from the capital reserve fund first must be used, to the extent necessary, to fully replenish the requisite percentage amount in the general reserve fund. The legislation revises actions to avoid a year-end deficit to: extend the time period in which action may be taken into the third quarter; reduce the percentage below the projected amount that is required to take action from four to two percent; to reduce the time in which the Budget and Control Board must take action from fifteen to seven days; and provide that, if no action is taken, the Director of the Office of State Budget must reduce general fund appropriations by the requisite amount. The legislation revises provisions relating to a reduction in the rate of expenditure, to provide that any cut is subject to any bill or resolution enacted by the General Assembly.

H.4545 FEE IN LIEU OF PROPERTY TAXES AGREEMENT FOR A NUCLEAR PLANT FACILITY Rep. D.C. Moss

This bill revises provisions relating to industrial development projects requiring a fee in lieu of property taxes agreement, so as to add certain definitions and further provide for the minimum level of investment for a qualified nuclear plant facility. The legislation provides for the timeline when the sponsor must enter into an initial lease agreement with the county in regard to a qualified nuclear plant facility, and the timelines for meeting minimum investment requirements in the case of a qualified nuclear plant facility and for placing the project into service. The legislation revises definitions in the Fee in Lieu of Tax Simplification Act and provides the time within which a sponsor has to enter into a fee agreement in regard to a qualified nuclear plant facility.

H.4573 ALTERNATE DISTRIBUTION OF SALES TAX REVENUE FOR SCHOOL OPERATING PURPOSES Rep. Lucas

This bill allows each school district in a county, which has sixty percent of the students in each school district within that county who qualify for free or reduced lunches and where each school district within that county adopts a resolution, to elect to be exempt from the distribution of sales tax revenue requirements and to use the sales taxes collected in that county for school operating purposes.

H.4583 TAX BILLS AND REVENUE IMPACT STATEMENTS Rep. Lucas

This bill revises provisions relating to tax bills and revenue impact statements, so as to provide that the revenue impact statement must be signed by the Chief Economist of the Office of Research and Statistics of the State Budget and Control Board. The legislation revises the certification of a revenue impact of a provision for purposes of its inclusion in the annual general appropriations bill and changes in the official revenue estimate, so as to provide that the revenue impacts must be certified by the Chief Economist of the Office of Research and Statistics of the State Budget and Control Board and that the Board of Economic Advisors shall adjust its estimates to reflect these certifications and make other adjustments it considers necessary in the final version of the annual general appropriations bill.

H.4585 TAXATION REALIGNMENT COMMISSION EXTENSION Rep. Cooper

This joint resolution extends the deadline for the date of the report and recommendations of the South Carolina Taxation Realignment Commission (TRAC) from March 15, 2010, to November 15, 2010, and provides that the commission's report may extend to all constitutional and statutory provisions pertinent to the imposition of ad valorem taxes.

H.4588 TAX CREDIT FOR CONTRIBUTIONS TO THE SOUTH CAROLINA SMALL MANUFACTURERS' RETENTION AND GROWTH FUND Rep. Loftis

This bill establishes a tax credit equal to one hundred percent of an amount contributed to the South Carolina Small Manufacturers' Retention and Growth Fund. The legislation allows the credit for taxable years 2010 through 2016 and provides annual limits on the credit a taxpayer may claim and an aggregate annual limit on all such credits. The legislation establishes the process and requirements for claiming the credit. The legislation creates the South Carolina Small Manufacturers' Retention and Growth Fund at the South Carolina Manufacturing Extension Partnership (SCMEP) and provides for

the uses of fund revenues. The legislation requires annual reports to the General Assembly by the SCMEP.

H.4595 COURT FEES Rep. Harrison

This bill increases the motion fee in the court of common pleas and family court from twenty-five dollars to seventy-five dollars. The legislation revises provisions relating to filing fees for complaints or petitions in civil actions, so as to create a second additional fee of one hundred fifty dollars to be allocated to the judicial department. The legislation revises provisions relating to assessments on filings in magistrates court, so as to increase the filing fee on summons and complaint filings and all other civil filings in magistrates court.

H.4599 IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS Rep. Daning

This bill revises provisions relating to in-state tuition for military personnel and their dependents, so as to continue to extend in-state tuition rates upon transfer to an eligible institution upon certain conditions, and to require a transferring institution to verify eligibility and the transferring student to provide necessary documentation.

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